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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,506	07/08/2003	Shawn D. Stad	101896-705 (DEP5125)	1774
21125 7590 04/18/2008 NUTTER MCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604				
EXAMINER				
ARAJ, MICHAEL J				
ART UNIT		PAPER NUMBER		
3733				
NOTIFICATION DATE		DELIVERY MODE		
04/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doctet@nutter.com

Office Action Summary

Application No.

10/616,506

Applicant(s)

STAD ET AL.

Examiner

MICHAEL J. ARAJ

Art Unit

3733

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 13, 19 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 7, 12, 14-18, 20-22 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 17 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 17 repeats what is in claim 16.

Claim 16 is objected to because of the following informalities: in line 6, "slideablv" should be changed to 'slidably'. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6-9, 12, 14-16, 18, 20-22 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Rinner et al. (U.S. Patent No. 6,551,316) in view of Aebl et al. (U.S. Patent No. 6,261,296).

Rinner et al. discloses a receiving component (68) having a longitudinal axis and defining a cavity (69), a modular tip including a mating component (71), a spring (77), a locking mechanism (76 and 77) at the receiving component (located at the end of a handle (11) that extends through the cavity that is slideably moveable to and from a

locked position while the locking mechanism engages at least two outer surfaces (opposite sides of the locking mechanism provides two surfaces) of the mating component, and the mating component is configured to extend into the cavity in a direction transverse to the longitudinal axis (see in Figure 13 how element 76 extends from within the cavity and transverse the longitudinal axis), and configured to be coupled to the receiving component to form a coupling such that the coupling without the engagement of the locking mechanism to the mating component can prevent relative movement in a rigid manner between the mating component and the receiving component when a force is applied to the coupling in a direction substantially parallel to the longitudinal axis. The spring resiliently biases the locking mechanism in a locked position along the longitudinal axis. The mating component has at least three planar surfaces configured to engage at least three planar surfaces of the receiving component because the cavity and mating component have a rectangular shape. The geometry of the mating component as well as the cavity will prevent movement in a parallel direction when a force is applied in that same direction caused by friction. Even though movement is not restricted, friction resists the component in the opposite direction to prevent this movement. Also, the receiving component includes a recess and an opening that form a connecting member in the receiving component, where the connecting member is configured to cooperatively engage a recess in the mating component (see Figure 1 below).

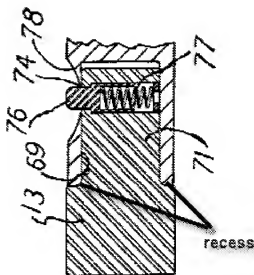


Figure 1 (from '316)

Rinner et al. disclose the claimed invention except for the mating component to be coupled to the receiving component by insertion of the mating component into the receiving component in a direction substantially perpendicular to the longitudinal axis of the receiving component and a recess formed in the mating component of the modular tip. Aebi et al. disclose a mating component coupled to the receiving component in a perpendicular manner (see Figure 7). Aebi also discloses a recess formed in the mating component to be received in the receiving component to secure the modular tip. It would have been obvious to one of ordinary skill in the art to have created the device of Rinner et al. with a perpendicular configuration and a recess formed in the mating component in view of Aebi et al., in order to have a device with greater versatility.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 4, 6-23 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. ARAJ whose telephone number is (571)272-5963. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Araj/

Examiner, Art Unit 3733

/Eduardo C. Robert/
Supervisory Patent Examiner, Art Unit 3733